

SENATE BILL NO. 148

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - SECOND SESSION

BY SENATOR HOLLAND

Introduced: 1/18/22

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to mandatory boating safety education; relating to operating a boat;**
2 **providing for an effective date by repealing the effective dates of secs. 3, 5, 7, 9, 11, 14,**
3 **16, 18, 20, 23, 26, and 27, ch. 28, SLA 2000, sec. 3, ch. 119, SLA 2003, sec. 2, ch. 31, SLA**
4 **2012, and secs. 5 and 8, ch. 111, SLA 2018; and providing for an effective date."**

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 * **Section 1.** AS 05.25.053(b) is amended to read:

7 (b) The department shall cooperate with local, state, and federal agencies,
8 private and public organizations, and individuals to provide for

9 (1) a statewide boating safety education program; [THE PROGRAM
10 MUST

11 (A) DEVELOP EDUCATIONAL MATERIALS RELEVANT
12 TO THE UNIQUE NEEDS OF URBAN AND RURAL BOATERS IN THIS
13 STATE;

14 (B) SUPPORT STATEWIDE BOATING SAFETY

1 TRAINING PROGRAMS;

2 (C) SUPPORT BOATING SAFETY EDUCATION AND
3 TRAINING PROGRAMS FOR CHILDREN AND OTHER HIGH RISK
4 GROUPS;

5 (D) TRAIN, CERTIFY, AND SUPPORT BOATING SAFETY
6 INSTRUCTORS;

7 (E) EVALUATE, ON AN ONGOING BASIS, THE
8 EFFECTIVENESS OF PROGRAMS FUNDED UNDER THIS CHAPTER;]

9 (2) a boating safety advisory council as described in AS 05.25.057;

10 (3) a uniform state waterway marking system; and

11 (4) a boat registration and numbering system through the Department
12 of Administration.

13 * **Sec. 2.** AS 05.25.053 is amended by adding new subsections to read:

14 (d) When providing for a statewide boating safety education program, the
15 department shall

16 (1) establish, by regulation, a minimum standard of boating safety
17 education that is consistent with National Association of State Boating Law
18 Administrators standards;

19 (2) develop a boating safety course that includes educational materials
20 relevant to the unique needs of urban and rural boaters in this state;

21 (3) develop an examination that will test a boater's knowledge of the
22 minimum standard of boating safety education;

23 (4) allow a boater, instead of taking the boating safety course, to take
24 or provide proof of passing a commercial boating safety course that meets the
25 department's minimum standard of boating safety education;

26 (5) support statewide boating safety training programs and volunteer
27 boating safety education programs;

28 (6) establish fees for administering the statewide boating safety
29 education program;

30 (7) support boating safety education and training programs for children
31 and other high risk groups;

(8) train, certify, and support boating safety instructors;

(9) promote the availability of insurance discounts for a boater who has completed a boating safety course that is consistent with National Association of State Boating Law Administrators standards.

(e) The department shall evaluate, on an ongoing basis, the effectiveness of programs funded under this chapter.

* **Sec. 3.** AS 05.25 is amended by adding a new section to read:

Sec. 05.25.054. Boating safety education card; operating a boat. (a) The department shall issue a boating safety education card to a person who

(1) is at least 12 years of age;

(2) passes

(A) the boating safety course and examination developed under AS 05.25.053(d)(2) and (3); or

(B) a boating safety course that meets the department's minimum standard of boating safety education, as allowed under AS 05.25.053(d)(4);

(3) pays the fee established by the department under AS 05.25.053(d)(6).

(b) A person may not operate a boat with an engine of 10 horsepower or more unless

(1) the person is carrying proof that the person was born on or before January 1, 2005;

(2) the person is carrying the person's boating safety education card on the boat;

(3) if the person is under 16 years of age, the person is accompanied by and under the direct supervision of a person 16 years of age or older who is eligible to operate a boat under this subsection;

(4) the person is at least 16 years of age, rents the boat, and completes a required dockside safety checklist before operating the boat;

(5) the person possesses a current commercial fishing license;

(6) the person possesses a valid United States Coast Guard commercial

operator's license;

(7) the person is a resident of another state and is carrying on the boat a boating safety education card approved by the National Association of State Boating Law Administrators; or

(8) the person has in the person's possession a valid Alaska driver's license or Alaska identification card and the license or identification card designates that the person is eligible to operate a boat with an engine of 10 horsepower or more.

* **Sec. 4.** AS 05.25.090(b) is amended to read:

(b) A person who violates

(1) AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.060(2), or a regulation adopted under this chapter relating to AS 05.25.010 or 05.25.020 is guilty of a violation as defined in AS 11.81.900 and may be fined up to \$500;

(2) AS 05.25.054(b) or 05.25.055 [AS 05.25.055] is guilty of a violation as defined in AS 11.81.900 and may be fined up to \$50.

* **Sec. 5.** AS 18.65.310 is amended by adding a new subsection to read:

(s) At the request of an eligible person born after January 1, 2005, the department shall designate with a symbol placed on the person's identification card that the person is eligible to operate a boat with an engine of 10 horsepower or more. To receive the designation, the person shall provide proof that the person possesses a boating safety education card issued under AS 05.25.054(a), a current commercial fishing license, or a valid United States Coast Guard commercial operator's license. The department may charge a fee of \$5 for replacement of a valid identification card with a new identification card that includes a boat operation designation, with the new card retaining the expiration date of the card being replaced.

* **Sec. 6.** AS 28.15.111 is amended by adding a new subsection to read:

(g) The department shall provide a method, at the time that a driver's license is issued, by which the owner of a license born after January 1, 2005, may voluntarily designate on the license that the owner is eligible to operate a boat with an engine of 10 horsepower or more. The department shall create a symbol to place on the driver's license of a person requesting the designation. To receive the designation, the person shall provide proof that the person possesses a boating safety education card issued

1 under AS 05.25.054(a), a current commercial fishing license, or a valid United States
 2 Coast Guard commercial operator's license. The department may charge a fee of \$5 for
 3 replacement of a valid driver's license with a new license that includes a boat
 4 operation designation, with the new license retaining the expiration date of the license
 5 being replaced.

6 * **Sec. 7.** Sections 1(2), 3, 5, 7, 11, 14, and 16, ch. 28, SLA 2000; sec. 9, ch. 28, SLA 2000,
 7 as amended by sec. 3, ch. 119, SLA 2003, and sec. 4, ch. 121, SLA 2003; sec. 18, ch. 28, SLA
 8 2000, as amended by sec. 8, ch. 29, SLA 2010, and sec. 2, ch. 31, SLA 2012; sec. 20, ch. 28,
 9 SLA 2000, as amended by sec. 5, ch. 111, SLA 2018; sec. 23, ch. 28, SLA 2000, as amended
 10 by sec. 8, ch. 111, SLA 2018; sec. 26, ch. 28, SLA 2000, as amended by sec. 41, ch. 12, SLA
 11 2006, and sec. 24, ch. 29, SLA 2010; and sec. 27, ch. 28, SLA 2000, as amended by sec. 33,
 12 ch. 111, SLA 2018, are repealed.

13 * **Sec. 8.** Section 30, ch. 28, SLA 2000, as amended by sec. 3, ch. 34, SLA 2004, sec. 1, ch.
 14 19, SLA 2009, sec. 1, ch. 47, SLA 2010, and sec. 3, ch. 31, SLA 2012; sec. 5, ch. 119, SLA
 15 2003; sec. 64, ch. 29, SLA 2010; sec. 4, ch. 31, SLA 2012; and secs. 37 and 38, ch. 111, SLA
 16 2018, are repealed.

17 * **Sec. 9.** This Act takes effect January 1, 2023.